

House Bill 111 (AS PASSED HOUSE AND SENATE)

By: Representative Scott of the 153<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, so as to permit petitions for delayed birth certificates to be filed in the probate court as well as the superior court; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, is amended by revising Code Section 31-10-12, relating to judicial procedure to establish facts of birth, as follows:

"31-10-12.

(a) If a delayed certificate of birth is rejected under the provisions of Code Section 31-10-11, a petition signed and sworn to by the petitioner may be filed ~~with a~~ in either the superior court or the probate court in the county of residence of the person for whom a delayed certificate of birth is sought for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered and shall allege:

(1) That the person for whom a delayed certificate of birth is sought was born in this state;

(2) That no certificate of birth of such person can be found in the files of the State Office of Vital Records or the office of any local custodian of vital records;

(3) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Code Section 31-10-11 and regulations adopted pursuant thereto;

(4) That the state registrar has refused to register a delayed certificate of birth; and

(5) Such other allegations as may be required.

(b) The petition shall be accompanied by a statement of the state registrar made in accordance with Code Section 31-10-11 and all documentary evidence which was submitted to the state registrar in support of such registration.

1 (c) The superior court or probate court, as the case may be, shall fix a time and place for  
2 hearing the petition and shall give the state registrar not less than ten days' notice of said  
3 hearing. The state registrar or his authorized representative may appear and testify in the  
4 proceeding.

5 (d) If the superior court or probate court finds, from the evidence presented, that the person  
6 from whom a delayed certificate of birth is sought was ~~so~~ born in this state, it shall make  
7 findings as to the place and date of birth, parentage, and such other findings as may be  
8 required and shall issue an order, on a form prescribed and furnished by the state registrar,  
9 to establish a delayed certificate of birth. This order shall include the birth data to be  
10 registered, a description of the evidence presented as prescribed by Code Section 31-10-11,  
11 and the date of the court's action.

12 (e) The clerk of superior court or the probate court, as the case may be, shall forward each  
13 such order to the state registrar not later than the tenth day of the calendar month following  
14 the month in which it was entered. Such order shall be registered by the state registrar and  
15 shall constitute the certificate of birth from which certified copies may be issued in  
16 accordance with this chapter."

17 **SECTION 2.**

18 All laws and parts of laws in conflict with this Act are repealed.